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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,936	03/13/2001	Chikaya Iko	1445.1007/DMP	9083

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EXAMINER

YODER III, CHRISS S

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 06/08/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

[Handwritten signature]

Office Action Summary

Application No.

09/803,936

Applicant(s)

IKO, CHIKAYA

Examiner

Chriss S. Yoder, III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "Image correction for a digital camera attached to a microscope".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1 -5 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawasaki (US Patent # 4,661,692).
2. In regard to claim 1, note Kawasaki discloses the use of a digital camera (column 4, line 37; and figure 1: 19) for a microscope which comprises an objective lens system with a variable observing magnification (figure 1: 8) and an illumination optical system provided at a predetermined position with respect to said objective lens system for illuminating an object to be observed (column 4, lines 13-17; and figure 1: 1-6), the camera comprises a correction unit (column 2, lines 21-28) for correcting a photographed image of said object to be observed in accordance with image correction data corresponding to each predetermined observing magnification of said objective lens system (figure 16).

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3. In regard to claim 2, note Kawasaki discloses that the image correction data is photographing image data of a standard background image (column 10, lines 53-60; the background image is considered to be the image taken with no object present on the stage) when said object to be observed is not present (column 10, lines 53-60) and contains said photographing image data according to the microscopic observation method of said microscope (column 10, lines 33-60).

4. In regard to claim 3, note Kawasaki discloses an objective lens recognition unit for inputting the information for specifying a predetermined observing magnification of said objective lens (column 10, lines 33-36).

5. In regard to claim 4, note Kawasaki discloses that the image correction data contains at least one of illuminance distribution non-uniformity data, color unevenness data, and geometric aberration data of the image field (column 10, lines 53-63; the correction data contains color unevenness data).

6. In regard to claim 5, note Kawasaki discloses a microscopic system comprising an objective lens system with a variable observing magnification (figure 1: 8) and an illumination optical system provided at a predetermined position with respect to said objective lens system for illuminating an object to be observed (column 4, lines 13-17; and figure 1: 1-6), and a digital camera for comprising a correction unit (column 2, lines 21-28) for correcting a photographed image of said object to be observed in accordance with image correction data corresponding to each predetermined observing magnification of said objective lens system (figure 16).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US004241251: note the use of a microscope with illuminating member and objective lens system.

US004811090: note the use of a microscope with image processing.

US005260825A: note the use of a microscope with detection of objective lens system position and memory for storing lens magnification data.

US006035072A: note the use of defect mapping to remove defects from images.

US006005964A: note the use of a microscope with a digital camera connected to a computer.

US006396941B1: note the use of a microscope with a digital camera.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chriss S. Yoder, III whose telephone number is (703) 305-0344. The examiner can normally be reached on M-F: 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CSY
May 27, 2004



NGOC-YEN VU
PRIMARY EXAMINER